(54)

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 7294 of 2007

PETITIONERS

1. Suresh Kumar Tiwari, S/o Gajanand Prasad Tiwari, aged about 46 years, Assistant Teacher, High School Sarkho, Block Nawagarh, District Janjgir-Champa (C.G.)
2. Deenanath Dewangan, S/o Chhatlal Dewangan, aged about 47 years, Assistant Teacher, Primary School Charpara, Block Baloda, District Janjgir-Champa
3. Babulal Sharma, S/o Late Kalicharan, aged about 40 years, Asstt. Teacher, Primary School Khadgabahara, Block Baloda, District Janjgir-Champa (C.G.)
4. Daya Ram Sahu, S/o Ramswaroop Sahu, aged about 47 years, Asstt. Teacher, Primary School Barbhatha, Block Baloda, District Janjgir-Champa
5. Ramkumar Sao, S/o Kamta Prasad Sao, aged about 50 years, Asstt. Teacher, Higher Secondary School Jarve, Block Baloda, District Janjgir-Champa
6. Chandrashekhar Singh Rathour, S/o Motilal Rathore, aged about 47 years, Asstt. Teacher, Middle School Kosmanda, Block Baloda, District Janjgir-Champa

Versus

RESPONDENTS

1 State of Chhattisgarh, Through Secretary, Department of Education, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2 The District Education Officer, District Janjgir-Champa (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Bhupenda Singh, Counsel for the petitioners.

Ms. Sunita Jain, Panel Lawyer for the State on advance copy.

ORAL ORDER
(10.12.2007)

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SUNIL KUMAR SINHA, J

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. and others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu and others Vs. State Govt. of Chhattisgarh and another (W.P.(S) No.813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submits that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

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